

The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
239 Causeway Street, Suite 500, 5<sup>th</sup> Floor, Boston, MA 02114

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COMMISSIONER

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**

239 Causeway Street, Boston, MA 02114

Room 417A & B

February 1, 2012

**AGENDA**

9:30 a.m.

**Call to Order**

A. **Adjudicatory Session (closed to the public)**

B. **M.G.L.c.112, §65C Session (closed to the public)**

10:00 a.m.

C. **Discussion of Proposed Amendments to 234 CMR re: Dental Assisting**

D. **Administrative Matters**

--ADEX: Annual Meeting and Annual Report

--AADB Composite

--Update: Working Group on Botulinum Toxin and Dermal Fillers

E. **Complaint Resolution—Pending Board Cases—Kathy Perault**

--In the Matter of SA-INV-2530: Community Family Dental

--In the Matter of SA-INV-2290: Dr. Monica Roa

--In the Matter of SA-INV-2280: Tufts Univ. School of Dental Medicine

--In the Matter of SA-INV-2506: Dr. Rashmi Vasudeva

--In the Matter of SA-INV-2491: Dr. Brian Yoon

--In the Matter of SA-INV-2277: Dr. Richard Miller

F. **Complaint Resolution—Pending Board Cases—Barbara Yates**

--In the Matter of SA-INV-1316: Smilage Dental

--In the Matter of SA-INV-1355: Dr. Donald Tremblay

--In the Matter of SA-INV-1535: Dr. Fadi Metri

--In the Matter of SA-INV-1700: Dr. Catherine Murphy

--In the Matter of SA-INV-1702: Dr. Lawrence Herman

--In the Matter of SA-INV-1395: Dr. Burton Stein

--In the Matter of SA-INV-1927: Dr. Meera Ohri

--In the Matter of SA-INV-2432: Dr. Rashmi Vasudeva

--In the Matter of SA-INV-2151: Aspen Dental

G. **Complaint Resolution—Pending Board Cases—Eileen Mulligan**

--In the Matter of SA-INV-1423: Tufts Univ. School of Dental Medicine

--In the Matter of SA-INV-1696: Dr. Herbert Yolin

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- In the Matter of SA-INV-1853: Dr. John Mancini
- In the Matter of SA-INV-1959: Oakdale Dental
- In the Matter of SA-INV-1969: Dr. Kalpana Kaveti

**H. Complaint Resolution—Pending Board Cases—Sarah Millar**

- In the Matter of SA-INV-2273: Dr. Virginia Gavis
- In the Matter of SA-INV-2244: Dr. Yan Fu Shek

**I. Complaint Resolution—Pending Board Cases—Kathleen O'Connell**

- In the Matter of SA-INV-1848: Dr. Sir Foo
- In the Matter of SA-INV-1981: Dr. Stanley Joe
- In the Matter of SA-INV-2246: Dr. Michelle Ardzinski
- In the Matter of SA-INV-2376: Dr. Mouhab Z. Rizkallah
- In the Matter of SA-INV-2534: Dr. Mark Wang

**J. Reconsiderations of Prior Board Action (Board Counsel Marsha Bird)**

- In the Matter of SA-INV-1851: Dr. Johnnie Gross
- In the Matter of DEN-2011-0040: Dr. Amy St. Germain

**K. Reciprocal Discipline (Board Counsel)**

- In the Matter of DEN-2011-0121: Dr. Roderick Garcia

**L. Dentists Employing Dental Hygienists Practicing with Expired License (Board Counsel)**

- In the Matter of DEN-2011-0177: Dr. Gary Campagna
- In the Matter of DEN-2011-0173: Dr. Erich Kronenwett
- In the Matter of DEN-2011-0175: Dr. Garrett Piskor

**M. Dental Hygienist Practicing with Expired License (Board Counsel)**

- In the Matter of DEN-2011-0168: Diane Sclafani, RDH

**Adjournment**

***NEXT MEETING: February 22, 2012***

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**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417 A & B**  
**February 1, 2012**  
**GENERAL SESSION MINUTES**

**Board Members Present:** Dr. Mina Paul, Chair (at 9:50 a.m.); Dr. Roderick Lewin, Secretary Dr. Milton Glicksman; Dr. John Hsu (at 9:34 a.m.); Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ms. Diane Grondin, CDA Advisor

**Board Members Absent:** Ward Cromer, Ph.D.; Dr. Cynthia Stevens

**Staff Members Present:** Kathleen Atkinson, Executive Director; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Jean Pontikas, Director DHPL; Eugene Langner, Prosecuting Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Kathleen O'Connell, Kathy Perault, and Barbara Yates; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant; Erin Belitskus.

**Motion:** To commence meeting at 9:32 a.m.  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

*Dr. Roderick Lewin initiated the meeting and assumed the role of the Chair.*

**Motion:** To re-order the agenda, at 9:32 a.m.  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

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**Complaint Resolution—Pending Board Cases**

Investigators presented their previously distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary.

**--In the Matter of SA-INV-2530: Community Family Dental**

**Allegation:** General standards of practice violation  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

*Dr. John Hsu entered the meeting at 9:34 a. m.*

**--In the Matter of SA-INV-2290: Dr. Monica Roa**

**Allegation:** Misdiagnosis of condition  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

**--In the Matter of SA-INV-2280: Tufts Univ. School of Dental Medicine**

**Allegation:** General standards of practice violation  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Dr. John Hsu  
**Vote:** Unanimous

**--In the Matter of SA-INV-2506: Dr. Rashmi Vasudeva**

**Allegation:** Business practice issues  
**Motion:** **To not open as a complaint.**

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**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**--In the Matter of SA-INV-2491: Dr. Brian Yoon**

**Allegation:** Unable to obtain complete patient records

**Motion:** To not open as a complaint.

**Motion Made By:** Ms. Lois Sobel

**Second:** John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-2277: Dr. Richard Miller**

**Allegations** Business practice issues and inferior treatment

**Motion:** To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-1316: Smilage Dental**

**Allegations:** Inferior treatment and billing practice issues

**Motion:** To not open as a complaint.

**Motion Made By:** Dr. John Hsu

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

**--In the Matter of SA-INV-1355: Dr. Donald Tremblay**

**Allegations:** General practice standards violation, inferior treatment, and business practice issues

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**Motion:** **To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-1535: Dr. Fadi Metri**

**Allegation:** Inferior treatment

**Motion:** **To open as a complaint.**

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

**--In the Matter of SA-INV-1700: Dr. Catherine Murphy**

**Allegation:** Business practice issues

**Motion:** **To not open as a complaint.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

*Dr. Mina Paul entered the meeting at 9:50 a. m.*

**--In the Matter of SA-INV-1702: Dr. Lawrence Herman**

**Allegations:** Fraud and business practice issues

**Motion:** **To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

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**--In the Matter of SA-INV-1395: Dr. Burton Stein**

**Allegation:** Inferior treatment

**Motion:** To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

*Dr. Roderick Lewin assumed the Chair*

**--In the Matter of SA-INV-1927: Dr. Meera Ohri**

**Allegation:** Abandonment

**Motion:** To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.20, Principles of Ethics and Code of Professional Conduct.

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

**Recused:** Dr. Mina Paul

*Dr. Mina Paul returned to the meeting.*

**--In the Matter of SA-INV-2432: Dr. Rashmi Vasudeva**

**Allegations:** Infection control and anesthesia violations

**Motion:** To not open as a complaint.

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

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**--In the Matter of SA-INV-2151: Aspen Dental**

**Allegations:** Fraud and business practice issues

**Motion:** **To not open as a complaint and send an advisory letter to Dr. Isam Hamati regarding the Board's concern about the frequency of complaints received against dentists practicing in dental facilities that the licensee owns in the Commonwealth, copied to the Office of the Attorney General.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-1423: Tufts Univ. School of Dental Medicine**

**Allegation:** Misdiagnosis

**Motion:** **To not open as a complaint.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-1696: Dr. Herbert Yolin**

**Allegation:** Inferior treatment

**Motion:** **To not open as a complaint.**

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**--In the Matter of SA-INV-1853: Dr. John Mancini**

**Allegations:** General standards of practice violation, fraud, and impairment

**Motion:** **To not open as a complaint.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu



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**Vote:** Unanimous

**--In the Matter of SA-INV-1959: Oakdale Dental**

**Allegation:** Fraud

**Motion:** To not open as a complaint.

**Motion Made By:** Dr. John Hsu

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

**--In the Matter of SA-INV-1969: Dr. Kalpana Kaveti**

**Allegations:** Fraud and business practice issues

**Motion:** To not open as a complaint and to send an advisory letter regarding the Board's concern about the frequency of complaints received against dentists practicing in dental facilities that the licensee owns in the Commonwealth, with a copy to the Office of the Attorney General.

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**--In the Matter of SA-INV-2273: Dr. Virginia Gavris**

**Allegations:** General practice standards violation

**Motion:** To not open as a complaint and to send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-2244: Dr. Yan Fu Shek**

**Allegation:** Over treatment

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**Motion:** **To not open as a complaint.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**--In the Matter of SA-INV-1848: Dr. Sir Foo**

**Allegations:** Inferior treatment and patient abandonment

**Motion:** **To not open as a complaint and send an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**--In the Matter of SA-INV-1981: Dr. Stanley Joe**

**Allegation:** General standards of practice violation

**Motion:** **To open as a complaint.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**Recused:** Dr. Roderick Lewin

*Dr. Roderick Lewin returned to the meeting*

**--In the Matter of SA-INV-2246: Dr. Michelle Ardzinski**

**Allegations:** Patient abandonment and neglect

**Motion:** **To not open as a complaint.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

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**--In the Matter of SA-INV-2376: Dr. Mouhab Z. Rizkallah**

**Allegations:** Fraud and business practice issues  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. John Hsu  
**Second:** Dr. Milton Glicksman  
**Vote:** Unanimous

**--In the Matter of SA-INV-2534: Dr. Mark Wang**

**Allegation:** The complainant alleges the licensee misled the Board by providing inaccurate information  
**Motion:** **To open as a complaint.**  
**Motion Made By:** Dr. John Hsu  
**Second:** Dr. Milton Glicksman  
**Vote:** Unanimous  
  
**Motion:** **To enter Adjudicatory Session, at 11:00 a.m.**  
**Motion Made By:** Dr. John Hsu  
**Second:** Dr. Roderick Lewin  
**Vote:** **Aye:** Dr. Milton Glicksman; Dr. John Hsu; Dr. Roderick Lewin;  
Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ  
**Nonvoting Member:** Ms. Diane Grondin, CDA Advisor  
**Abstain:** Dr. Mina Paul, Chair  
**Absent:** Ward Cromer, Ph.D.; Dr. Cynthia Stevens

**Motion:** **To leave Adjudicatory Session, at 11:40 a.m.**  
**Motion Made By:** Dr. John Hsu  
**Second:** Ms. Lois Sobel

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**Vote:** **Aye:** Dr. Milton Glicksman; Dr. John Hsu; Dr. Roderick Lewin;  
Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ  
**Nonvoting Member:** Ms. Diane Grondin, CDA Advisor  
**Abstain:** Dr. Mina Paul, Chair  
**Absent:** Ward Cromer, Ph.D.; Dr. Cynthia Stevens

**Motion:** **To enter M. G. L. c. 112, §65C Session, at 11:40 a.m.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Ms. Lois Sobel

**Vote:** **Aye:** Dr. Milton Glicksman; Dr. John Hsu; Dr. Roderick Lewin;  
Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ  
**Nonvoting Member:** Ms. Diane Grondin, CDA Advisor  
**Abstain:** Dr. Mina Paul, Chair  
**Absent:** Ward Cromer, Ph.D.; Dr. Cynthia Stevens

**Motion:** **To leave M. G. L. c. 112, §65C Session, at 11:52 a.m.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Ms. Lois Sobel

**Vote:** **Aye:** Dr. Milton Glicksman; Dr. John Hsu; Dr. Roderick Lewin;  
Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ  
**Nonvoting Member:** Ms. Diane Grondin, CDA Advisor  
**Abstain:** Dr. Mina Paul, Chair  
**Absent:** Ward Cromer, Ph.D.; Dr. Cynthia Stevens

**Motion:** **To enter General Session, at 11:52 a.m.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

### **Administrative Matters**

Present Board Members cancelled the February 22, 2012 Board meeting. Next Board meeting is still scheduled on March 7, 2012, but it will commence at 8:00 a.m.

**-- ADEX: Annual Meeting and Annual Report**

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Board Staff distributed the Annual Report, and Executive Director Kathleen Atkinson commended it to Board members.

**-- AADB Composite**

Board Staff distributed this publication, and Executive Director Kathleen Atkinson commended it to Board members.

**--ADA and Letters from State Boards**

Chair Dr. Mina Paul updated Board members with respect to correspondence from some other state dental boards to the ADA regarding its Request for Proposals for portfolio licensing of dentists. These letters express concern that the ADA is venturing into the licensing area. Dr. Paul noted that to date, no RFPs have been received by the ADA.

**-- Update: Working Group on Botulinum Toxin and Dermal Fillers**

This working group met recently and is currently drafting a policy for the Board to consider in the near future.

**--AADB Updates**

Dr. Mina Paul noted that 42 states now accept the ADEX examinations, and that some Southern states want to leave the AADB. With respect to the FTC and its recent restriction of trade rulings against the North Carolina Board, state boards are working closely together to address the issue around tooth whitening in non-dental facilities. The AADB mid-year meeting will be held in April, and the President's Drug Czar will be a featured speaker.

**--Prescription Monitoring Program**

The Board would like Staff to extend an invitation to representatives from PMP to make a presentation at a future Board meeting.

**--Meeting of NERB State Presidents**

Dr. Paul reported on the topics discussed at the recent meeting she attended. Various actions and proposals regarding the owner of Allcare Dental in several states, the importance of an independent clinical examination for licensure, remedial continuing education, and the lack of standardization in definition of mid-level dental providers were among the issues discussed.

**--Institute for Justice**

This group has made a Freedom of Information Act request for all Board documents related to tooth whitening by unlicensed personnel.

**Discussion of Proposed Amendments to 234 CMR re: Dental Assisting**

This discussion will continue at the March Board meeting.

**Motion:** To adjourn the meeting at 2:05 p.m.

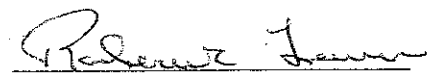
**Motion Made By:** Dr. Milton Glicksman

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**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

Respectfully submitted,

  
Dr. Roderick Lewin, Secretary *RLW*

Date: 3/21/12